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09/558,201	04/26/2000	John David Gerthe	10992199-1	9869

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EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/558,201

Applicant(s)

GERTHE, JOHN DAVID

Examiner

April L Baugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 28, 2003 has been entered.

### ***Response to Amendment***

Applicant has amended claims 1, 6, and 11, and added new claims 16-19 and therefore claims 1-19 are now pending.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 6, 11, and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,987,506 to Carter et al. in view of Cohen et al.

Regarding claim 1, Carter et al. teaches a method for transparent file proxying (column 1, lines 15-17 and column 4, lines 56-58), the method comprising the steps of: coupling a plurality of computing devices to a local area network (column 1, lines 20-23), at least one of said plurality of computing devices including an ability to route communication packets to said remaining plurality of computing devices (column 19, lines 55-61), each of said plurality of computing devices including a memory element containing a plurality of files (column 1, lines 25-27); coupling said at least one of said plurality of computing devices to a wide area communication network (column 3, lines 55-58); coupling a remote memory element to said wide area communication network (column 2, lines 9-11); coupling a remote computing device to said remote memory element (column 1, lines 52-56); intercepting, in said remote memory element, an Internet Protocol (IP) communication message (column 34, lines 28-31) from said remote computing device, said IP communication message corresponding to a request from the first user to access said first file; and providing said copy of said first file to said remote computing device when said remote memory element intercepts said IP communication message from said remote computing device if said IP communication message requests said first file from one of said plurality of computing devices connected to said local area network (column 4, lines 16-22 and column 6, lines 3-7 and 25-28), thus providing said copy of said first file to said remote computing device without said IP communication message traversing said wide area

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communication network and said local area network (column 3, lines 1-5 and column 20, lines 13-15 and 18-20 and column 32, lines 57-61 and column 38, lines 1-6).

Carter et al. does not teach maintain a copy of a file if a user of the remote computing device is authorized access to the file. Cohen et al. teaches said remote memory element configured to maintain a copy of a first file selected from said plurality of files contained in the memory elements of said plurality of computing devices if a first user of the remote computing device is authorized access to the first file (column 1, lines 15-23 and 45-58 and column 7, lines 19-35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the computer system for remote access in a globally addressable storage environment by maintaining a copy of a file if a user of the remote computing device is authorized access to the file because this frees storage in the memory element and it is obvious that cached files are files previously viewed by the user thus the user must be authorized to access them thus the only files cached are files the user is authorized access to.

Referring to claim 6, Carter et al. teaches a system (column 44, line 10) for transparent file proxying (column 1, lines 15-17 and column 4, lines 56-58), comprising: a local area network to which is coupled a plurality of computing devices (column 1, lines 20-23), at least one of said computing devices including the ability to route communication packets to said remaining plurality of computing devices (column 19, lines 55-61), each of said plurality of computing devices including a memory element containing a plurality of files (column 1, lines 25-27); a communication network coupled to said at least one of said plurality of computing devices (column 3, lines 55-58); a remote memory element coupled to said communication

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network (column 6, lines 10-12); a remote computing device connected to said remote memory element (column 1, lines 52-56), said remote memory element configured to intercept an Internet Protocol (IP) communication messages (column 34, lines 28-31) from said remote computing device; and wherein said remote memory element is configured to provide said copy of the first file to said remote computing device when said remote memory element intercepts said IP communication message (column 34, lines 28-31) from said remote computing device (column 34, lines 28-31), said IP communication message corresponding to a request from the first user to access said first file from one of said plurality of computing devices connected to said local network (column 4, lines 16-22 and column 6, lines 3-7 and 25-28), thus providing said copy of the first file to said remote computing device without said IP communication message traversing said communication network and said local area network (column 3, lines 1-5 and column 20, lines 13-15 and 18-20 and column 32, lines 57-61 and column 38, lines 1-6).

Carter et al. does not teach maintain a copy of a file if a user of the remote computing device is authorized access to the file. Cohen et al. teaches said remote memory element configured to maintain a copy of a first file selected from said plurality of files contained in the memory elements of said plurality of computing devices if a first user of the remote computing device is authorized access to the first file (column 1, lines 15-23 and 45-58 and column 7, lines 19-35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the computer system for remote access in a globally addressable storage environment by maintaining a copy of a file if a user of the remote computing device is authorized access to the file because this frees storage in the memory element and it is obvious that cached files are files previously viewed by the user thus the user

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must be authorized to access them thus the only files cached are files the user is authorized access to.

Referring to claim 11, Carter et al. teaches a computer readable medium having a program (column 1, lines 23-24) for transparent file proxying (column 1, lines 15-17 and column 4, lines 56-58), the program comprising logic configured to perform the steps of: coupling a plurality of computing devices to a local area network (column 1, lines 20-23), at least one of said plurality of computing devices including the ability to route communication packets to said remaining plurality of computing devices (column 19, lines 55-61), each of said plurality of computing devices including a memory element containing a plurality of files (column 1, lines 25-27); coupling said at least one of said plurality of computing devices to a wide area communication network (column 3, lines 55-58); coupling a remote memory element to said wide area communication network (column 2, lines 9-11); coupling a remote computing device to said remote memory element (column 1, lines 52-56); intercepting, in said remote memory element, an Internet Protocol (IP) communication message (column 34, lines 28-31) from said remote computing device, said IP communications message corresponding to a request from the first user to access said first file; and providing said copy of said first file to said remote computing device when said remote memory element intercepts said IP communication message (column 34, lines 28-31) from said remote computing device if said IP communication message (column 34, lines 28-31) requests said first file from one of said plurality of computing devices connected to said local area network (column 4, lines 16-22 and column 6, lines 3-7 and 25-28), thus providing said copy of said first file to said remote computing device without said IP communication message traversing said wide area communication network and said local area

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network (column 3, lines 1-5 and column 20, lines 13-15 and 18-20 and column 32, lines 57-61 and column 38, lines 1-6).

Carter et al. does not teach maintain a copy of a file if a user of the remote computing device is authorized access to the file. Cohen et al. teaches said remote memory element configured to maintain a copy of a first file selected from said plurality of files contained in the memory elements of said plurality of computing devices if a first user of the remote computing device is authorized access to the first file (column 1, lines 15-23 and 45-58 and column 7, lines 19-35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the computer system for remote access in a globally addressable storage environment by maintaining a copy of a file if a user of the remote computing device is authorized access to the file because this frees storage in the memory element and it is obvious that cached files are files previously viewed by the user thus the user must be authorized to access them thus the only files cached are files the user is authorized access to.

Regarding claim 16, Carter et al. teaches a computer-implemented method for providing a file to a remote computing device operated by a first user, the file being stored within a local area network (column 1, lines 20-27), the remote computing device communicating with the local area network via a communication link provided by a wide are network via a communication link provided by a wide area network (column 3, lines 55-58 and column 1, lines 52-56), said method comprising: intercepting, within the wide are network, an Internet Protocol (IP) communication message from the remote computing device, the IP communication message



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corresponding to a request from the first user to access the file stored within the local area network (column 34, lines 28-31); and providing the copy of the file to the remote computing device without allowing the IP communication message to be provided to the local area network (column 3, lines 1-5 and column 20, lines 13-15 and 18-20 and column 32, lines 57-61 and column 38, lines 1-6).

Carter et al. does not teach maintain a copy of a file if a user of the remote computing device is authorized access to the file. Cohen et al. teaches storing a copy of the file within the wide area network if the first user of the remote computing device is authorized access to the file such that a copy of the file is not stored within the wide area network if the first user is not authorized access to the file (column 1, lines 15-23 and 45-58 and column 7, lines 19-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the computer system for remote access in a globally addressable storage environment by maintaining a copy of a file if a user of the remote computing device is authorized access to the file because this frees storage in the memory element and it is obvious that cached files are files previously viewed by the user thus the user must be authorized to access them thus the only files cached are files the user is authorized access to.

Referring to claim 2, 7, and 12, Carter et al. teaches the method of claim 1, 6, and 11, wherein said at least one of said plurality of computing devices periodically updates said selected file maintained in said remote memory element (column 29, lines 38-42).

Regarding claim 3, 8, and 13, Carter et al. teaches the method of claim 1, 6, and 11, wherein said selected file is chosen to be maintained in said remote memory element based upon any of a plurality of policies (column 29, line 60 through column 30, line 8).

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Referring to claim 4, 9, and 14, Carter et al. teaches the method of claim 3, 8, and 13, wherein said plurality of policies are chosen from the group consisting of user, group policies, and corporate policies (column 20, lines 45-56).

Regarding claim 5, 10, and 15, Carter et al. teaches the method of claim 1, 6, and 11, wherein said remote memory element updates said selected file and causes a file located in said plurality of files and corresponding to said selected file to be updated (column 11, lines 19-22, column 14, lines 6-8, column 29, lines 38-42, and column 30, lines 29-31).

Regarding claim 17, Carter et al. teaches the computer-implemented method of claim 16, wherein: the local area network is a first local area network; and the wide area network comprises a second local area network (column 3, lines 55-60).

Regarding claim 18, Carter et al. teaches the computer-implemented method of claim 16, further comprising: periodically updating the file stored within the local area network to mirror the copy stored in the wide area network (column 11, lines 19-22, column 14, lines 6-8, column 29, lines 38-42, and column 30, lines 29-31).

Regarding claim 19, Carter et al. teaches the computer-implemented method of claim 16, wherein in storing a copy of the file within the wide area network, the copy is stored by a remote memory element, the remote computing device communicating with the remote memory element (column 1, lines 52-56 and column 2, lines 9-11 and column 6, lines 10-12).

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***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to transparent file proxying in general:

US Patent No. 6,381,602 to Shoroff et al.

US Patent No. 5,805,89 to Singh et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

  
**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**